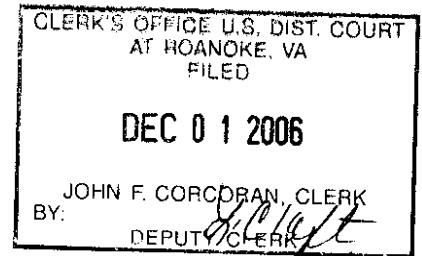


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



ERIC DONNEL WHITE,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

Civil Action No. 7:06-cv-00606

MEMORANDUM OPINION
AND ORDER

By: Hon. Michael F. Urbanski
United States Magistrate Judge

This matter is before the court upon petitioner Eric Donnell White's motion for a free copy of his plea hearing transcript from his criminal Case No. 5:04cr30068 [Docket #2]. White states that he needs this transcript to aid him in preparing his § 2255 motion.

An indigent defendant who is pursuing a motion under §2255 is entitled to free transcripts from his criminal proceedings only if the court finds that the §2255 motion is not frivolous and the transcript is needed to decide the issues presented in the motion. See 28 U.S.C. § 753(f); United States v. MacCollom, 426 U.S. 317 (1976); United States v. Shoaf, 341 F.2d 832, 833-34 (4th Cir. 1964) (indigent defendant must show some need for transcript beyond his mere desire to comb the record in hope of discovering errors to raise in habeas). As the petitioner did not need these transcripts or documents to prepare his §2255 motion and has not sufficiently explained why he now needs these transcripts or documents, the court cannot find at this time that he is entitled to these documents at court expense.

The defendant has also failed to offer any evidence in support of a finding that he is indigent. Forms to request in forma pauperis status, or waiver of fees, are available from the Clerk's Office at the following address: Office of the Clerk, United States District Court for the Western District of Virginia, P.O. Box 1234, Roanoke, Virginia.

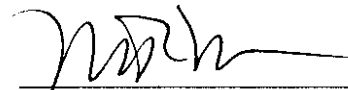
In accordance with the foregoing, it is hereby

ORDERED

that defendant's motion for free transcripts shall be and hereby is **DENIED**.

The Clerk is directed to send certified copies of this order to the defendant.

ENTER: This 15th day of December, 2006.



United States Magistrate Judge